



# INDUSTRY CIRCULAR

DEPARTMENT OF  
THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Washington, D.C. 20226

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## APPLICATION OF NEW WINE REGULATIONS IN TREASURY DECISION ATF-53

Importers of wine and Others Concerned.

PURPOSE. The purpose of this circular is to inform industry members that an ATF Ruling will be published in a future issue of the Alcohol, Tobacco and Firearms Bulletin. The ruling will read substantially as follows:

ATF has been asked whether foreign wine which has been bottled prior to January 1, 1983, may be imported into the United States where the labels of such wine do not conform to the requirements which became effective or mandatory on January 1, 1983.

Various regulations governing the labeling of wine which were promulgated in Treasury Decision ATF-53 (43 Fed. Reg. 37672, 54624, August 23, 1978) and are set forth in 27 C.F.R. Part 4 became effective or mandatory on January 1, 1983. For example, section 4.23a provides various requirements with respect to the use of grape varietal designations on wine labels. This regulation amends the requirements previously set forth in section 4.23 but is "not mandatory before January 1, 1983."

It is the position of the Bureau that these regulations were intended to apply to labels which are affixed to wine bottled after December 31, 1982. It would be contrary to the intent of the regulations at issue to preclude the importation of foreign wines into the United States which, when bottled, conformed to the requirements of Part 4.

A similar position was taken with respect to metric standards of fill prescribed in section 4.73. ATF adopted the position that foreign wine bottled prior to the effective date in containers which did not conform to the metric standards of fill could be imported into the United States after that date if the wine was accompanied by a statement signed by a duly authorized official of the appropriate foreign government stating

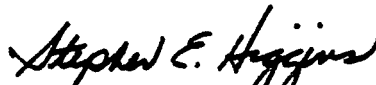
that the wine was bottled before the effective date. It was also permissible to import wine not conforming with the standards of fill if the wine was being withdrawn from a Customs bonded warehouse into which it was entered prior to the effective date. See 27 C.F.R. § 4.46.

Held, wine bottled prior to January 1, 1983, which does not conform to the requirements of 27 C.F.R. Part 4 which became mandatory on January 1, 1983, may be imported into the United States if the label conforms to the requirements of the regulations in effect when the wine was bottled and if the importer produces evidence sufficient to establish that the wine was bottled prior to January 1, 1983.

Held further, a statement signed by a duly authorized official of the appropriate foreign government that the wine was bottled prior to January 1, 1983, is sufficient evidence to establish that the wine was bottled prior to January 1, 1983. The official of a foreign government authorized to sign a certificate concerning the bottling date of wine for purposes of determining whether wine not conforming to the metric standards of fill could be imported, will be accepted as a "duly authorized official" for purposes of certifying whether wine was bottled prior to January 1, 1983.

Held further, bottled foreign wines entered into Customs bonded warehouses on or before December 31, 1982 or accompanied by a bill of lading dated on or before December 31, 1982, may be imported into the United States without any additional evidence that the wine was bottled prior to January 1, 1983.

Inquiries: Inquiries concerning this circular should refer to its number and be addressed to the Assistant Director (Regulatory Enforcement), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226.

  
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